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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

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FILE: B-182081

DATE: FEB 14 1979

MATTER OF: [Payment for Government Printing Office Services]
to Defunct National Commission on State Workmen's
Compensation Laws *AGC 00444*

DIGEST:

1. Decision B-182081, January 26, 1977, holding that General Services Administration may not pay Government Printing Office for services ordered by former employee of National Commission on State Workmen's Compensation Laws after Commission expired, is affirmed. GSA is not successor agency to Commission and cannot be regarded as having benefited from GPO's services. GSA's role is limited to housekeeping duties set forth in Economy Act agreement with defunct Commission which duties are performed in furtherance of its own mission.
2. Printing services were not ordered prior to expiration of National Commission on State Workmen's Compensation Laws. Therefore no Commission appropriation was obligated for these services. All unobligated balance of the Commission's appropriations lapsed at the termination of the Commission. Thus there are no funds available to pay for the printing services. Decision B-182081, January 26, 1977, is affirmed.

requester
 The Public Printer, United States Government Printing Office (GPO), has asked, in effect, that we reconsider our Decision B-182081, January 26, 1977, holding that the General Services Administration (GSA) was not authorized to pay for printing services rendered on behalf of the now defunct National Commission on State Workmen's Compensation Laws, because no valid obligation for printing services had been incurred during the existence of the Commission.

In requesting that we allow payment, despite the lack of a valid obligation, the Public Printer states:

"A product was made, delivered, accepted, and used by the organization or its successor; and while the formal contract may be invalid, it would seem

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to me that the Government Printing Office should be entitled to some equitable relief on the basis of the fair value of the work performed without regard to the validity of the obligating document." (Emphasis in the original.)

The Public Printer apparently regards the GSA as the "successor" to the Commission. He feels that delivery of the printed "supplementary" materials to the Superintendent of Documents for distribution, presumably, to the same recipients who received the Commission's official report prior to its expiration, constitutes acceptance and use by the ordering agency. We disagree with this assumption. The GSA's involvement with the affairs of the defunct Commission is limited to the duties set forth in its Economy Act (31 U.S.C. § 686) agreement. As mentioned in our previous decision, these were strictly "housekeeping" in nature and were performed as part of GSA's duties. GSA did not assume the identity or mission of the former Commission and therefore cannot be said to have "benefited" from the work performed by the GPO. If anyone benefited, it was the President and Congressional distributees, to whom the unsolicited materials were distributed.

The Public Printer asks for "equitable relief" and that we allow payment on what amounts to a quantum meruit basis (the reasonable value of work or labor).

Even if we assume that payment on a quantum meruit basis is applicable to transactions between two Federal agencies, there is no appropriation available to make the requested payment in the instant case. The printing services in question were not ordered, and therefore no funds for these services were obligated, prior to the Commission's expiration. Moreover, the Commission's appropriations could not be properly obligated after its termination date. Any unobligated balance of the Commission's appropriation lapsed at the time the Commission expired.

GPO provides printing and binding services in accordance with the provisions of Title 44 of the United States Code. Section 501 of Title 44 provides that "[p]rinting or binding may be done at the Government Printing Office only when authorized by law," and section 1102(a) states that the Public Printer may not print "a document or matter unless it is authorized by law and necessary to the Public business." Under these sections, it is the responsibility of the Public Printer to assure that no unauthorized printing is performed by the GPO. In those instances in which

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GPO performs printing which is not authorized by law, the Public Printer must anticipate that GPO will not receive reimbursement. Cf. 38 Comp. Gen. 461 (1959).

In conclusion, the National Commission on State Workmen's Compensation Laws did not obligate any funds for the printing services provided by GPO. Therefore there are no funds available to pay for these services. Our decision, B-182081, January 26, 1977, is affirmed.



Deputy Comptroller General
of the United States